

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NATHAN STEVEN WATKINS,

Plaintiff,

vs.

ANITA PETRA,

Defendant.

NO. CV-11-5102-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT

1915(g)

Magistrate Judge Hutton filed a Report and Recommendation on October 3, 2011, recommending Mr. Watkins complaint against Defendant Anita Petra, a prosecuting attorney, for allegedly committing perjury during a court hearing, be dismissed with prejudice for failure to state a claim upon which relief may be granted. *Imbler v. Pachtman*, 424 U.S. 409, 430-431 (1976)(absolute immunity accorded to a prosecutor who was sued for damages for knowingly using perjured testimony that resulted in an innocent person's conviction and incarceration for nine years).

There being no objections, the court **ADOPTS** the Report and Recommendation in its entirety. **IT IS ORDERED** the Complaint is **DISMISSED WITH PREJUDICE** under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1),

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious physical injury.” 28

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING COMPLAINT -- 1

1 U.S.C. § 1915(g). Plaintiff is advised to read the new statutory provisions under 28
2 U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three
3 dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file
4 future claims.

5 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
6 Order, enter judgment, forward copies to Plaintiff at his last known address, and close the
7 file. The District Court Executive is further directed to forward a copy of this Order to
8 the Office of the Attorney General of Washington, Criminal Justice Division. The court
9 certifies any appeal of this dismissal would not be taken in good faith.

10 **DATED** this 4th day of November 2011.

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12 *s/Robert H. Whaley*
13 **ROBERT H. WHALEY**
14 **UNITED STATES DISTRICT**
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